

Remarks

Claim 1-11 are pending in this application. Claims 1-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pinder (U.S. Patent No. 5,742,677) in view of Anderson (U.S. Patent No. 6,219,042).

The Examiner has made the current office action final. Applicants believe that the making of this office action final is premature, and improper. Anderson appears to be newly cited art from the Examiner and Applicants' last communication, filed on October 2, 2006, did not amend the claims. Applicants respectfully request that the Examiner withdraw the finality of the office action in this application.

There is no motivation to combine Pinder and Anderson to achieve the claimed invention. Pinder has significant deficiencies. These deficiencies are not overcome by Anderson. The invention is believed to be patentable.

Independent claim 1 recites a method for providing personalized interactive programming over a data path. The data path extends between a service provider and a set top box. The service provider is connected to a data network and has an address. The method comprises establishing a communication path between a broadband digital terminal and the set top box. The broadband digital terminal is connected to the data network. The service provider broadcasts video through the broadband digital terminal to the set top box.

The method further comprises sending a private data packet in addition to the broadcast video from the service provider, over the network and through the broadband digital terminal to the set top box. The packet contains application interface information for the service provider and contains the service provider address.

The method further comprises establishing an impulse pay-per-view communication path from the set top box through the broadband digital terminal and over the

network to the service provider based upon the address. The impulse-pay-per-view communication path allows interactive programming using the application interface information between the service provider and the set top box to personalize the broadcast programming.

Claims 2-4 depend from claim 1 and recite further, more detailed aspects of the invention.

Independent claim 5 recites an interactive video/data system for interacting with a destination address on a network. The system comprises a broadcast source at the destination address, a broadband digital terminal, and a set top box. The broadcast source transmits a private data packet over a private virtual channel on the network. The packet contains application interface information and the destination address.

The broadband digital terminal receives the packet over the private virtual channel from the broadcast source. The set top box receives the packet from the broadband digital terminal. The set top box cooperates with the broadband digital terminal and the broadcast source to establish an impulse pay-per-view data path extending from the set top box to the broadband digital terminal, and over the private virtual channel to the broadcast source at the destination address. The data path allows application interface information to be communicated in real-time between the set top box and the broadcast source.

Claims 6-11 depend from claim 5 and recite further, more detailed aspects of the invention.

As recited by each independent claim, a private data packet is sent over the network and through the broadband digital terminal to the set top box. The packet contains application interface information for the service provider/broadcast source, and contains the service provider/broadcast source address. An impulse pay-per-view communication path is established from the set top box through the broadband digital terminal and over the network to the service provider/broadcast source. This allows interactive programming using the

application interface information between the service provider/broadcast source and the set top box to personalize the broadcast programming.

As specifically recited in claim 1, the private data packet contains application interface information for the service provider and contains the service provider address. As specifically recited in claim 5, the private data packet contains application interface information and the destination address for the broadcast source. The applied references fail to suggest these particular features as claimed.

Pinder describes an information terminal with reconfigurable memory. Pinder does not suggest the claimed private data packet containing application interface information, and also does not suggest interactive programming using the application interface information from the private data packet.

In the current final office action, the Examiner states (on page 4) that Pinder teaches where the service provider transmits messages containing their address, logo and graphics data and the like and establishes an impulse pay-per-view path using the received data. The Examiner states that Pinder fails to explicitly teach where the messages include broadcast video, etc. and relies on Anderson as a secondary reference to suggest modification of Pinder to achieve the claimed invention.

Applicants believe that the Examiner is understating the shortcomings of Pinder. Further, Applicants believe that Anderson does not overcome the shortcomings of Pinder. The claims specifically recite that the private data packet includes application interface information (and the service provider/broadcast source address), and recite interactive programming using this application interface information from the private data packet. Pinder does not describe these claimed features. The Examiner states that Pinder fails to explicitly teach that the messages (in Pinder) include broadcast video, etc. As noted above, the shortcoming is very significant and is more than the inclusion of "broadcast video, etc." as noted by the Examiner.

With regard to Anderson, Anderson describes selective re-establishment of Internet connectivity based on duration of user activity. Anderson describes toggling between a television viewing mode and an Internet browsing mode in response to user input. Although Anderson describes integrating television viewing and Internet browsing, there is no suggestion of the claimed private data packet containing application interface information for the service provider/broadcast source and the claimed interactive programming, let alone any suggestion to modify Pinder in view of Anderson to achieve the claimed invention.

The Examiner simply states that Anderson describes transmitting web pages with additional enhanced features. However, the claims recite specific limitations that are not met by Anderson, and the Examiner has not pointed out these features in Anderson. Specifically, Anderson does not overcome the shortcomings of Pinder with regard to the private data packet containing application interface information sent from the service provider/broadcast source to allow interactive programming.

The Examiner makes reference to Col. 2, l. 48 - Col. 3, l. 12 and Col. 4, l. 45 - Col. 5, l. 23 of Anderson. The first portion of Anderson referred to by the Examiner simply describes integrating Internet browsing and television viewing with a user interface display having an Internet mode and a television mode. The second portion of Anderson referred to by the Examiner further describes accessing television and Internet related services. Figure 3 does show the Internet mode selectively having a small television window 98 displaying television programming during Internet browsing. Nevertheless, Anderson is describing an Internet mode and a television mode, and there is no suggestion in Anderson or Pinder of the claimed private data packet, application interface, and interactive programming.

With regard to motivation, the Examiner states that it would have been obvious to combine the references "as additional enhancement to the display terminal that entices the user to order IPPV video." First, Anderson does not overcome the shortcomings of Pinder; neither Pinder nor Anderson teach the private data packet containing application interface information. Second, the noted claim features relate to application interface information in a

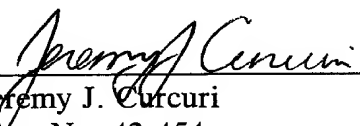
private data packet for interactive programming, and it is unclear how the motivation stated by the Examiner would motivate one to modify Pinder to include such features.

Claims 1-11 are believed to be in condition for allowance and such action is respectfully requested.

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Respectfully submitted,

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Date: January 10, 2007

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